

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-CR-60075-MD/AOV

UNITED STATES OF AMERICA,

v.

EDDY ALEXANDER SALINAS,

Defendant.

REPORT AND RECOMMENDATION ON CHANGE OF PLEA

THIS CAUSE came before the undersigned for a change of plea hearing as to Defendant Eddy Alexander Salinas. *See* (ECF No. 41) (Order of Referral from District Judge). Having held the change of plea hearing on November 5, 2024, the undersigned makes the following findings and recommends that the guilty plea be accepted.¹

1. At the change of plea hearing, the undersigned advised Defendant that the undersigned was conducting the change of plea hearing pursuant to an Order of Referral from the District Judge. The undersigned further advised Defendant that the District Judge would be the sentencing judge and would make all findings and rulings concerning Defendant's sentence. The Court advised Defendant that he did not have to permit the undersigned United States Magistrate Judge to conduct this hearing and could request that the change of plea hearing be conducted by the District Judge. Defendant, his attorney, and the Assistant United States Attorney all consented to the undersigned conducting the change of plea hearing.

¹ This Report and Recommendation reiterates the Court's oral findings at the change of plea hearing. The audio recording of the proceeding is incorporated by reference.

2. The undersigned conducted a detailed plea colloquy in accordance with Federal Rule of Criminal Procedure 11.

3. After being advised of his rights and the possible consequences of his plea of guilty, Defendant pled guilty to the Superseding Information, which charges him with two counts of possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts 1 and 2), and one count of conspiracy to possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 846 (Count 3). The undersigned advised Defendant that the Court may impose: (i) a minimum term of imprisonment of five years up to a maximum of 40 years, followed by a minimum term of supervised release of four years up to a maximum of life on Counts 1 and 2; (ii) a minimum term of imprisonment of ten years up to a maximum of life, followed by a minimum term of supervised release of five years up to a maximum of life on Count 3; (iii) a fine of up to \$5,000,000 on Counts 1 and 2; (iv) a fine of up to \$10,000,000 on Count 3; and (v) a mandatory special assessment of \$100 per count, to be paid at the time of sentencing. Defendant acknowledged that he understood the nature of the charges and the potential penalties in this case.

4. Additionally, Defendant was informed of the Sentencing Guidelines and the fact that the District Judge may sentence Defendant to a more severe sentence than recommended by the Government or estimated under the Sentencing Guidelines, up to the maximum statutory sentence, and that Defendant could not withdraw his plea based solely on the sentence imposed by the District Judge.

5. To establish the factual basis for the entry of the plea, the Government proffered the facts it would have established at trial. *See* (ECF No. 56) (Stipulated Factual Proffer). The Stipulated Factual Proffer was introduced as Government's Exhibit 2 and signed by Defendant and

his counsel. *Id.* The Government established all the essential elements of the crimes to which Defendant is pleading guilty. Defendant acknowledged that the facts proffered by the Government were accurate, and defense counsel agreed that the proffer satisfied all elements of the crimes charged.

6. The parties entered into a written plea agreement that was filed with the Court and introduced as Government's Exhibit 1. *See* (ECF No. 55) (Plea Agreement). The undersigned reviewed the terms of that Plea Agreement on the record, and Defendant acknowledged that he had reviewed the entire agreement with counsel before he voluntarily signed it. In the Plea Agreement, the Government agrees, subject to certain conditions, to recommend that the Court reduce Defendant's offense level by three levels for Defendant's timely recognition and affirmative acceptance of personal responsibility. *Id.* at 3, ¶6.

7. The undersigned questioned Defendant regarding the effectiveness of his counsel's representation. Defendant stated that he is satisfied with his attorney and that he has had a full opportunity to discuss all facets of his case, including the evidence against him, with his attorney. Defendant also stated that counsel has answered all his questions regarding the case.

8. Based upon the foregoing facts and the plea colloquy conducted by this Court, the undersigned finds that Defendant is fully competent and capable of entering an informed plea, that Defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offenses.

9. Therefore, the undersigned recommends that Defendant be found to have freely and voluntarily entered his guilty plea to Counts 1 through 3 of the Superseding Information filed in

this case, as more particularly described above, and that Defendant be adjudicated guilty of the offenses as charged.

10. A Pre-Sentence Investigation Report should be prepared for the District Court by the United States Probation Office. The sentencing hearing will be set by separate order from the District Judge.

The parties have **14 days** from the date of this Report and Recommendation within which to file written objections, if any, for consideration by the District Judge. Failure to timely object waives the right to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions contained in this Report and Recommendation. 11th Cir. R. 3-1 (2024); Fed. R. Crim. P. 59(b)(2); *see Thomas v. Arn*, 474 U.S. 140 (1985).

RESPECTFULLY SUBMITTED in Chambers at Fort Lauderdale, Florida, on November 5, 2024.


ALICIA O. VALLE
UNITED STATES MAGISTRATE JUDGE

cc: The Honorable Melissa Damian
All Counsel of Record